

**GOVERNOR'S COMMITTEE FOR THE PURCHASE OF COMMODITIES
AND
SERVICES FROM THE HANDICAPPED**

Minutes

December 15, 2003

F. Ray Power Bldg., Institute, WV

Attendance: Lee Dixon, Chair; Donna Lipscomb, Dennis Miller, Everett Sullivan, Karen Byrd, Exec. Secretary; Brenda King, DRS;

Absent: Linda Maniak

WVARF Staff: Steve King, Craig Greening, Chris Miller, Ken Kennedy

Visitors Present: Tim Morris, Gloria Cox and Carl Mayfield

Approval of Minutes: Some amendments are needed for the minutes for the November 19th meeting. Brenda King noted that the minutes did not reflect Jan Smith's offer to check with WVARF's finance committee about moving the monies distributed by WVARF to its membership from the pre-sort line item to another line item to help with the controversy over the expenditure of those funds. Ms. King felt that it was important to add that information to the minutes. Everett Sullivan moved to approve the minutes with the amendments. Donna Lipscomb seconded the motion. Motion was approved.

Financial Report Brenda King: Not provided at this time. This report will be provided at the next meeting.

Report of Chair Lee Dixon:

Report of Executive Secretary Karen Byrd: Nothing to report at this time.

Report of WVARF Executive Director Steve King: The Annual Report was completed last week.

Everett Sullivan moved the Annual Report for fiscal year 2003 be approved for distribution to the appropriate people among those being the Governor and the Legislature. The motion was seconded by Brenda King. Motion was approved.

The Annual Report will be distributed sometime next week.

SUPRA Report (handout) Steve King: Craig Greening, Chris Miller and Ken Kennedy attended the State Use Association Annual Conference the first week in

December.

This is a gathering of other states with the same type of programs we have in West Virginia. Although the programs differ a little in each state, they have a lot of the same challenges we face in West Virginia and the Conference was very beneficial.

Contract Complaints (handout) Ken Kennedy: Working draft of improvement plan process is included in the handouts. Information about grievances has been added.

The problem with distribution of bottled water with Green Acres continues. WVARF is looking at several variables to work out this problem.

There needs to be a change in how water is delivered at the Capitol due to a lock down of the building because of security concerns.

Green Acres would still have the contract, but they could subcontract with Prestera. The long-range plan is for Prestera to take over all distribution under this scenario.

Donna Lipscomb inquired as to whether persons with disabilities will lose any wages because of this? The response was that any significant changes in how the water is being delivered will need to come before committee to be approved first. Craig Greening recommended a joint presentation to the Committee with Prestera and Green Acres.

Since there could be more competition later, the amount of water delivered needs to be increased. No one requesting this service should be turned away.

No more contracts will be awarded to Green Acres until the problem is taken care of. The Committee needs to look at the numbers and make sure they are what they should be.

Non-reoccurring State Use Projects Report (handout) Craig Greening:

\$1,400 on contract. Program is pretty much winding down.

WVARF Accounts Receivables (handout) Chris Miller: November revenue figures are preliminary. The Committee meeting this month is early. When Chris pulled the information together, all invoices for November had not been received from CRPs yet. The final November revenue figure should increase when invoices are accounted for.

DRS invoice payment is backed up because Federal funding has not been made available yet. They are operating on a Continuing Resolution.

Continue to have problems with Bureau of Employment Programs (BEP) due to the split

with Workers' Compensation. A meeting is planned for Tuesday morning (December 16) with a representative from BEP and the hope is to have the problem resolved soon.

Presort Grievances – Lee Dixon: Donna Lipscomb checked with the Ethics Committee and was told it is judicial in nature to review the grievances in a private meeting in executive session as long as any decisions are made public.

Lee Dixon announced that the Committee would go into closed session to discuss the grievances and the award of the presort contract.

Committee opened to general session.

Lee Dixon announced that after careful consideration, the decision was made to award the presort contract to Job Squad.

Grievances from Pretera and SW Resources were reviewed in their entirety by the Committee. Although both gained some points during the review, this did not change the ranking or the outcome. It was decided by the Committee that neither grievance met the threshold stated in WV Code of arbitrary or capricious and shocking to the conscience. The Committee will be responding in writing to each grievant.

Dennis Miller made a motion not to proceed to the hearing stage. The motion was seconded by Everett Sullivan. Motion was approved. Donna Lipscomb made a motion to award the contract to Job Squad by a date to be determined by WVARF and Job Squad as soon as possible. The motion was seconded by Dennis Miller. Motion was approved. There are still avenues of recourse for Pretera and SW Resources. The next step would be to take the complaint to civil court.

Tim Morris - Job Squad should be disqualified for inappropriate contact with the presort staff. Lee Dixon indicated that he did research and couldn't find any inappropriate contact. He talked to people at Presort. The Committee only commented on specific items in grievance. Committee has ultimate responsibility for decision.

CNA fee 4.1 fee on contract. Changed from 4 to 4.1 couple years ago to accommodate Purchasing card fees. Fee does not affect money being paid to individuals doing work. The committee discussed the fee and the million dollar endowment account. State agencies going to be cut more and can't afford any increases. Lee Dixon noted that we can't penalize CNA for being fiscally responsible. The committee recommended separate fiscal accounting of the Association and the CNA.

The committee discussed how contracts should be awarded. Staff gave some information about how it is done in other states. Some of the other CNAs represented at the national

conference indicated that there should not be competition between CRPs. Questions raised included: What is a fair system? Should people who have the least amount of money have first choice on contract?

Lee Dixon discussed criteria based upon capability, location and amount of state use money and contracts already awarded to the CRP. First give consideration to location. If capability is equal, then check amount of state use money. Consideration should be given to not necessarily who is most capable, but who is capable. Geography - capability - \$ amount?

Karen Byrd suggested that maybe the committee should check with CRPs to see what ideas they have about product/service assignments and awarding of contracts.

Comments 2004-2005 Plan

Separate budget (CNA/WVARF)

State Use Project Surplus to be accounted for separately.

Donna Lipscomb indicated that all CRPs should be made aware of projects so they can decide if they want to get involved.

Dennis Miller recommended that the plan include a goal to develop a better relationship with WVARF Exec Committee and the CRPs.

Lee Dixon recommended that the Committee be given time to review the goals and pick up at the next meeting.

January 29, 2004 -WVARF Legislative Breakfast

Rules will be sent out for comment December 16. The Committee needs to set aside time after January 16 to review the comments.

Next meeting date is January 21, 2004.

Respectfully submitted by:

Beverly Shamblin

Secretary I

WVDRS